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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 SALEEM YAHYA,

11 Petitioner,

12 vs.

13 LAUER, *et al.*,

14 Respondents.
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Case No. 2:14-cv-00977-APG-GWF

ORDER

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17 This is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241.
18 Petitioner challenges a deportation removal order.

19 The REAL ID Act of 2005, codified at 8 U.S.C. § 1252, significantly narrowed the scope of
20 judicial review for removal orders in immigration cases. Pursuant to 8 U.S.C. § 1252(a)(5), a
21 petition filed with the appropriate court of appeals “shall be the sole and exclusive means for
22 judicial review of an order of removal entered or issued under any provision under this Act.”
23 District courts do not have jurisdiction, habeas or otherwise, to review any removal order for any
24 alien. *See Nadarajah v. Gonzales*, 443 F.3d 1069, 1075 (9th Cir. 2006) (interpreting 8 U.S.C.
25 § 1252). In this case, petitioner challenges a final order of removal, which was issued after the date
26 of enactment of the REAL ID Act. The petition is therefore dismissed for lack of subject matter
27 jurisdiction.
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1 District courts are required to rule on the certificate of appealability in the order disposing of
2 a proceeding adversely to the petitioner or movant, rather than waiting for a notice of appeal and
3 request for certificate of appealability to be filed. Rule 11(a). In order to proceed with his appeal,
4 petitioner must receive a certificate of appealability. 28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22; 9th
5 Cir. R. 22-1; *Allen v. Ornoski*, 435 F.3d 946, 950-951 (9th Cir. 2006); *see also United States v.*
6 *Mikels*, 236 F.3d 550, 551-52 (9th Cir. 2001). Generally, a petitioner must make “a substantial
7 showing of the denial of a constitutional right” to warrant a certificate of appealability. *Id.*; 28
8 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). “The petitioner must
9 demonstrate that reasonable jurists would find the district court's assessment of the constitutional
10 claims debatable or wrong.” *Id.* (quoting *Slack*, 529 U.S. at 484). In order to meet this threshold
11 inquiry, the petitioner has the burden of demonstrating that the issues are debatable among jurists of
12 reason; that a court could resolve the issues differently; or that the questions are adequate to deserve
13 encouragement to proceed further. *Id.* In this case, no reasonable jurist would find this Court's
14 dismissal of the petition debatable or wrong. The Court therefore denies petitioner a certificate of
15 appealability.

16 **IT IS THEREFORE ORDERED** that the petition for a writ of habeas corpus is
17 **DISMISSED WITH PREJUDICE.**

18 **IT IS FURTHER ORDERED** that petitioner is **DENIED A CERTIFICATE OF**
19 **APPEALABILITY.**

20 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL ENTER JUDGMENT**
21 **ACCORDINGLY.**

22 Dated: June 23, 2014.

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25 UNITED STATES DISTRICT JUDGE